*247. [*Transferred to the 23rd December, 1993.*]

*248. [*The Questioner (Syed Sibtey Razi) was absent. For Answer vide col....infra.*]

*249. [*The Questioner (Shri Iqbal Singh) was absent. For Answer vide col....infra.*]

SHRI MENTAY PADMANABHAM : This is the first time we have covered so many questions.

THE DEPUTY CHAIRMAN : It is because Members are not there.

It is not because Members have asked small questions.

## MEMBERSHIP OF NATIONAL TRADE UNIONS

*250. SHRI SARADA MOHANTY :†

SHRI CHIMANBHAI MEHTA : Will the Minister of LABOUR be pleased to state :

(a) what is the membership of all the National Trade Unions and percentage of the total labour force as on date ;

(b) whether Government propose to enact a law to give protection to the workers in the eventuality of closure of factories without the sanction of appropriate authorities ;

(c) whether Government have worked out or propose to work out a mechanism whereby on closure of a factory or a company, employees would get compensation at the rate of 45 days wages for each year of service rendered ; and

(d) whether the trade unions and industrialists have agreed to the proposed of 45 days retrenchment compensation for each year of service rendered ?

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR (SHRI P. A. SANGMA) : (a) The information is given the enclosed statement. (See below)

(b) to (d) Based on the recommendations made by the Ramanujam Committee on 'New Industrial Relations Law' and the deliberations held in various forums and after taking into consideration the report of the Inter-Ministerial Group on Industrial Restructuring, amendments to the Industrial Disputes Act, 1947 are under examination.

†The Question was actually asked on the floor of the House by Shri Sarada Mohanty.

**Statement**

MEMBERSHIP OF NATIONAL TRADE UNIONS

*I. Verified Membership of Central Trade Unions (CTUOs) Organisations as on* 31-12-80

| Sl. No. | Name of Central Trade Union Organisation | Verified memership 31-12-1980 |
|---|---|---|
| 1. | I.N.T.U.C. | 22,36,128 |
| 2. | B.M.S. | 12,11,345 |
| 3. | H.M.S. | 7,62,882 |
| 4. | U.T.U.C. (L.S.) | 6,21,359 |
| 5. | N.L.O. | 2,46,540 |
| 6. | U.T.U.C. | 1,65,614 |

| 1 | 2 | 3 |
|---|---|---|
| 7. | T.U.C.C. | 1,23,048 |
| 8. | N.F.I.T.U. | 84,123 |
| 9. | A.I.T.U.C. | 3,44,746 |
| 10. | C.I.T.U. | 3,31,031 |
| | Total | 61,26,816 |

*II. Verified Membership of CTUOs as percentage of total work force*

| Year | Total estimated work force | Verified Membership of C.T.U.Os. | Percentage |
|---|---|---|---|
| 1980 | 2,23,15,000 | 61,26,816 | 27.5% |

NOTE.—The above percentage pertains only to the verified membership of the C.T.U. Os. It does not include those unions which were not represented by the above. C.T.U.Os.

SHRI SARADA MOHANTY : Madam, in part (a) of my question I had asked for the percentage of the total labour force as on date, but the answer is as on 1980. In the mean time thirteen years have passed. I want to know what the percentage of the labour force as on today is.

SHRI P. A. SANGMA : The last verification was made in the year 1980 and I can go only by the figure of 1980. The new verification process is on. So, I have to go by the 1980 figure. I want to make one submission here. The figures that I have given of the total work force, are of members of the trade unions, both Central Trade Union organisations as well as non-Central Trade Union organisations. If you take these two and the percentage of membership in the Central Trade Union Organisations, it is 27 per cent. But if we take the total number of work force in the country—according to 1981 Census—it is 221 million. Then the percentage of membership of the workers in the Central Trade Union Organisations comes to only 3.6 per cent. So this distinction I have to make because I could not understand exactly what the hon. Member wanted to know. So if we take the total work force, who are members of the union, whether of the Central Trade Union Organisation or otherwise, then, their percentage is 27 per cent. But if we take the total work force in the country, it is 221 million. Then the percentage of membership in the Central Trade Union Organisations is only 3.6 per cent.

SHRI SARADA MOHANTY : My second supplementary arises out of the reply given by the Minister to part (b) to (d). The Minister said that amendments

to the Industrial Disputes Act, 1947 are under consideration. I want to know from the Minister when they will be considered and when they are going to amend the Act so that workers can get the benefit out of it.

SHRI P. A. SANGMA : We from the Labour Ministry have already finalised the proposals for amendment of the Industrial Disputes Act. It is now being examined by the Ministry of Law and as soon as the Ministry of Law vets the proposal, it will go to the Cabinet. I don't think it should take much of time now.

प्रश्न संख्या— 250 पर आपका नाम है, अगर आप कुछ पूछना चाहें तो पूछिए नहीं तो

THE DEPUTY CHAIRMAN : SHRI CHIMANBHAI MEHTA.

I have got Mr. Jibon Roy. I will call him.

SHRI CHIMANBHAI MEHTA : Madam I have just entered the House.

SHRI KAMAL MORARKA : Relevant point.....(*Interruptions*)..

SHRI CHIMANBHAI MEHTA : Yes, yes, that is correct.

SHRI JIBON ROY : Madam, the hon. Minister has stated that the Government is considering introducing a new Industrial Relations Bill. I would like to know from him whether his Ministry would consult the trade unions before introducing the Bill. After consultations with the trade unions, they can introduce the Bill.

My second question is....(*interruptions*) .. No, Madam, part (b) of my question is ..

THE DEPUTY CHAIRMAN : One question, one question. Now we do not accept (b) part. I want to accommodate as many Members as possible.

SHRI JIBON ROY : He is not going in for consultations. I want to know from the Minister whether the new Bill provides a provision for recognition of unions through a secret ballot.

SHRI P. A. SANGMA : Madam, the whole proposal is based on the recommendations of the Ramanujam Committee. The Ramanujam Committee is a bipartite Committee, of employers and employees. It is they who have brought out the report. The proposals of the Government are based on the report of the Ramanujam Committee. After the Ramanujam Committee report has been submitted to the Government and before the Government finalised its proposal, we have had extensive discussions not only with the trade union organisations but also with the State Governments.

SHRI JIBON ROY : My specific question is whether the Government will consult the trade unions before introducing the Bill. The second thing was that the report of the Ramanujam Committee was not a unanimous report.

SHRI P. A. SANGMA : I have already said that extensive consultations have already been held with the trade union organisations as well as with the State Governments.

SHRI JIBON ROY : I do not know whether trade unions have been consulted.

SHRI AJIT KUMAR PANJA : Because you were sleeping.

SHRI JIBON RAY : The other day, the Minister had clarified that a party was not consulted....(*Interruptions*)....

THE DEPUTY CHAIRMAN : This is not the way. If a Member of your party puts a question, it doesn't mean that all of you are identified....(*Interruptions*)...

SHRI JIBON ROY : He has not answered my question.

SHRI V. NARAYANASAMY : Madam, the question put by the hon. Member is

in two parts. One is about the total percentage of workers enrolled in the national trade unions, Secondly, about retrenchment compensation to be given to the employees after the closure of the units. The Minister himself said that in verification of membership in the Central Trade Union Organisation was done in 1980 and there was a large membership. Some of the new trade unions wanted themselves to be affiliated to the Central Trade Union Organisation ; which is a recognised Organisation ; and representations have been sent to the Labour Ministry to this effect. But they have received a reply neither from the Minister nor from the Ministry for the simple reason that there was no review of the selection that was made by the Government in 1980. Not only that; also some of the trade unions who have been classified, got their membership increased. They also wanted that they should get a reply. But no reply was received either from the Minister or from the Ministry. Therefore, I would like to know why there was such a delay, since the Labour Ministry is exclusively considering the welfare of labour, in not having a census of the Central trade union membership, and also for not considering the new trade unions, who are to be included in the Central trade unions. Secondly, Madam. I am now coming to my specific question.

THE DEPUTY CHAIRMAN : Were you not specific up till now ?

SHRI V. NARAYANASAMY : Part (b) of my question is about the closure of units. Lakhs and lakhs of industries are being closed in this country. In spite of the fact that there are so many laws that have been enforced for protecting the labour, the Central legislations are being implemented in the States. Now, the Minister says that he is going to bring a new Bill. I would like to know from the hon. Minister whether the legislation which he is going to bring will have the necessary teeth. Now, it has only a conciliatory status. The legislation which the Government has brought so far, has only got a conciliatory status. I would like to know whether the labour laws are not strictly followed in the closure of units for the purpose of roping in the industries. Are you going to have a provision in the Bill which will be implemented in right earnest ?

SHRI P. A. SANGMA : Madam, in 1980 verification, eight Central trade union organisations participated—AITUC, HMS, NLO, TUCC, BMS, UTCC, UTOC and NFTUI. The CTAITU did not participate in the 1980 verification process. But on the basis of their annual returns we recognised them as a Central trade union organisation. Therefore, as of today, we have got ten Central trade union organisations recognised by the Government of India. This is number one. In the present verification process, there are two parts. The Government of India constituted a Standing Committee with representatives of all the ten Central trade union organisations to decide on the procedure of a new verification process. This was called the Standing Committee. This Standing Committee formulated a procedure and the procedure was : (a) in order that a Central trade union organisation becomes eligible for recognition, they must have at least a membership of five lakhs; (b) they must spread over four industries and (c) they must spread over in at least four States. These were the three criteria laid down by the Standing Committee where all the ten Central trade union organisations were present. Therefore, the procedure was adopted by the unions and not by the Government. It was only endorsed by the Indian Labour Conference on 22-4-90

After that, the Government issued a notification and the unions themselves to get an extension. It is a long story. Therefore, the whole process was delayed by two years and four months on the request of the Central trade union organisations themselves. However, the process is on and we hope to complete the whole process by June 1994.

As far as the other unions which the hon. Member has referred to are con-

cerned, there are three other unions who have applied for recognition as Central trade union organisations over and above the ten existing ones. They are : (1) Hill Mazdoor Kisan Panchayat, (2) Indian Confederation of Labour, (3) Indian Federation of Free Trade Union. This measure was placed before the Standing Committee, as I said, with a representative of each of all the Central Trade Union Organisations and they found that Hind Mazdoor Kisan Panchayat and Indian Federation of Trade Unions were eligible for recognition for the purpose of verification. Therefore, one has been left out. There were other smaller unions which applied for verification, but then some of these organisations were registered with the Central Trade Union Organisation after the date of reckoning, i.e. 31-12-89. Those unions which are registered after 31st of December, 1989 cannot be taken into consideration. That is how some of the smaller unions were left out.

SHRI V. NARAYANASAMY : Madam, the second part of my question is....

THE DEPUTY CHAIRMAN : Shri O. Rajagopal ....(*Interruptions*)....

SHRI V. NARYANASAMY : Madam, the second part he has totally ignored.

THE DEPUTY CHAIRMAN : Mr. Rajagopal. ....(*Interruptions*).... He is asking for teeth. If I remember, the second part of the supplementary was whether you are going to have more teeth for ....(*Interruptions*)....

SHRI V. NARAYANASAMY : For violation.

SHRI P. A. SANGMA : Madam, the question was whether the new industrial relations laws which were enacted, will be implemented fully. Yes, Madam.

SHRI O. RAJAGOPAL : Madam, according to the reply given to us, it indicates that the verification was conducted long back, on 31st December, 1980. I would like to know specifically why it was not updated even after 13 years and whether the Minister is prepared to give us an assurance that updating will be done immediately.

SHRI P. A. SANGMA : Madam, I have already stated that the process is on for updating it and all the trade union organisations are involved in the process and we hope to complete the process by the middle of next year.

SHRI CHIMANBHAI MEHTA : Madam, what about my chance ?

THE DEPUTY CHAIRMAN : You forfeited your chance by not being here in time.....(*Interruptions*)..... I will allow you.

श्रीमती कमला सिन्हा : मैडम, मैं एक सवाल पूछना चाहती हूं मंत्री जी से ।

उप सभापति : एकदम छोटा ।

श्रीमती कमला सिन्हा : बहुत छोटा है, क्वाइटिड है ।

The main thrust of the question is not the verification process. The main thrust of the question is whether the Government proposes to enact a law to give protection to the workers in the eventuality of closure of factories and whether it will give 45 days' wages for each year of service rendered. That is the main thrust of the question but he has been replying to all other things. So I would like to know what the Government is proposing to do in this regard.

SHRI P. A. SANGMA : Under the present law, Section 25 of the present Industrial Disputes Act, in the event of retrenchment of a worker, the worker is entitled to 15 days' wages for each year of service. The Ramanujam Committee which I have referred to, went into this question and they had recommended that instead of 15 days' wages, it should be 30 days' wages. The Ramanujam Committee Report was placed before the Labour Ministers' Conference and the Labour Ministers decided that there should be a sub-committee of Labour Ministers to go into the recommendations of the Ramanujam Committee. So, a sub-committee of five Labour Ministers was formed and they went into the whole question and they had suggested that instead of 30 days' wages as was recommended by the Ramanujam Committee, it should be 45 days'

wages. This is the recommendation of the Labour Ministers.

SHRI CHIMANBHAI MEHTA : Madam, due to the increasing sickness of industries, employers close down their factories. The present position is, they have to take permission of the appropriate authorities. Without taking permission of the appropriate authorities they close down their factories. They have their own problems. I do not say that they don't have any problems. Now the question is : In the proposed legislation what are you going to do about this crucial point ? The State undertakings go on paying money without the performance of labour. But the private industries are not in a position of going on paying because they are sick. So, here the role of the Government comes in. Permission has to be taken. Now the question is whether the law would be laying thrust on bilateral mechanism or whether you are going to have tripartite thrust in the new legislation. This is the crucial quesion.

SHRI P. A. SANGMA : As of today, most of the matters pertaining to labour situation in the country are being sorted out through a mechanism called "tripartite mechanism'. In fact, according to ILO, India has the best form of tripartite mechanism. We have been debating whether we should continue with the tripartite mechanism or we should also shift towards bipartite mechanism because it is not good for the Government to be in on the issue every time. The Ramanujam Committee went into it. It was discussed in the Indian Labour Conference. It was also discussed in the Standing Labour Committee and also in the Labour Ministers' Conference. The consensus which emerged is that we should encourage more of bipartite mechanism, that means, the issues relating to labour matters should, as far as practicable, be sorted out mutually by the employers and the employees. Therefore, the bipartite mechanism should be given perference though we will still continue with the tripartite mechanism.

SHRI CHIMANBHAI MEHTA : Mr. Sangma, the real question is that today before closure they have to get permission. Should they get the permission, which is required, in future also ?

SHRI P. A. SANGMA : As far as the question of closure is concerned, in 1975 Chapter V-B was introduced in the Industrial Disputes Act which says that no industry can be closed down by the management without the permission of the appropriate authority, it could be the State or the Centre as the case may be. This provision was not in existence in India prior to 1975. It was introduced only in 1975. Now this is the question : What should we do with Chapter V-B of the Industrial Disputes Act where, for the purpose of closing, permission of the appropriate Government is required ? A debate has been going on and opinion on this issue is naturally divided. Industry wants that section 25(o) which provides for this permission should go and trade unions say that it should remain. That is the position today. Now this is a matter which needs to be decided by the Cabinet and as soon as the proposals are vetted by the Law Ministry, it will go to Cabinet and the Cabinet will take a final decision on this issue.

## LOBBYING FOR SHIFTING OF PRODUCTS TO RESTRICTED LIST OF IMPORTS

*251. DR. NAUNIHAL SINGH :†

SHRI SANGH PRIYA GAUTAM:

Will the Minister of COMMERCE be pleased to state :

(a) Whether it is a fact that some powerful petrochemical companies led by Reliance Industries Ltd. (RIL) have begun intense lobb-lobbying to shift a number of their products to restricted list of imports and if so, the reasons therefor;

(b) whether it is a fact that there is an existence of dumping in this area by international companies; if so, the details thereof; and

(c) what action Government have taken or intend to take on the above problems ?